

GEORGE R. HERRICK.

[To accompany Senate bill No. 461.]

FEBRUARY 2, 1855.

Mr. ORR, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred Senate bill No. 461, for the relief of the Office of Indian Affairs, have had the same under consideration, and report:

That the title does truly describe the object of the bill. Its purpose is to allow to George R. Herrick arrearages for clerk-hire in the Indian Bureau. The Senate report is adopted by your committee. The facts are therein correctly set forth. The report is as follows:

"That upon a full examination of the authority of law for the employment of two clerks on said business, and the facts connected with the employment of the memorialist on the same, they are of opinion that he has an equitable, if not a strictly legal right to the amount of difference between the sums he received while so employed and those appropriated therefor, but otherwise disbursed under executive authority, and that the same should be paid to him.

"By a clause of the act of 9th May, 1836, entitled 'An act providing for the salaries of certain officers therein named, and for other purposes,' it was provided that the Secretary of War should employ 'one clerk at sixteen hundred dollars, and one clerk at fourteen hundred dollars, to be employed in the business of reservations and grants under Indian treaties.' This provision was limited as to time, but subsequent legislation by joint resolution of the two houses of Congress removed the limitation, extending the authority indefinitely. As late as the 17th of July, 1842, a separate item of appropriation was made for the payment of this service; and that it was designed as a special service, the language employed in authorizing it seems to admit of no doubt. But it appears that in the changes of administration the appointments of these clerks in 1845-'46, were made simply for the Office of Indian Affairs, instead of for the business named, and by that means their identity as employed for a special service was lost sight of.

"It is also shown by a regulation of the department, dated 19th November, 1846, arranging the compensation and duties of the several clerks in the Office of Indian Affairs, that two of the clerks in said bureau were assigned to the performance of the duties referred to; one at the annual salary of \$1,600, and the memorialist at a compensation

less than the \$1,400 authorized by law to be paid for his services. And it further appears that the duties growing out of those reservations and grants were 'of the most difficult and responsible character;' and the statements of the Commissioner of Indian Affairs and the chief clerk of that office, conclusively prove that said memorialist was 'one of the most faithful, competent, and efficient clerks in the employ of the government.'

"As, therefore, he is shown to have well and faithfully performed the services for which he claims arrearages of pay, and the appropriation made for the payment of that particular service was not applied strictly to the purpose for which it was appropriated, the committee beg leave to report a bill for the relief of the Office of Indian Affairs."

The committee recommend that the bill do pass, and that the title be amended by striking out the present title, and inserting "An act for the relief of George R. Herrick."